

INFORMATION SHEET

SIMPLIFIED WAY TO CHANGE CHILD, SPOUSAL, OR FAMILY SUPPORT

New laws make it easier for a person to ask the court to raise or lower the amount paid for child, spousal, or family support.

How to Ask for a Change

1. Get copies of these forms:
 - *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support* ("Notice of Motion") (form FL-390).
 - *Responsive Declaration to Motion for Simplified Modification for Child, Spousal, or Family Support* (form FL-392).
 - *Findings and Order After Hearing* (form FL-340) and *Child Support Information and Order Attachment* (form FL-342).
 - *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150).

The court clerk's office, the office of the family law facilitator, or the local child support agency can tell you where to get these forms. You can get them at the Judicial Council website: www.courtinfo.ca.gov
2. Fill out and sign the form *Notice of Motion*. **Check with your local court clerk's office or the office of the family law facilitator to see if the forms must be typewritten.**
3. Fill out the form *Financial Statement (Simplified)*, if you are allowed to use the form. See the instructions on the back side of the form to see if you qualify; otherwise you must fill out the *Income and Expense Declaration*. You must attach copies of your most recent W-2 form(s) and three most recent paycheck stubs, to the form *Financial Statement (Simplified)* or the form *Income and Expense Declaration*.
4. You must schedule a hearing date with your court clerk's office before filing and serving these papers. You must enter the hearing date in item 1 of the *Notice of Motion*.
5. Make at least three copies of these forms after you have completed them:
 - *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (form FL-390).
 - *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150).
6. You must have one copy of each of the following papers served on the local child support agency **and on the other party**, if the other party is not the county:
 - Your *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (form FL-390).
 - Your *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150).
 - A blank *Responsive Declaration to Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (form FL-392).
 - A blank *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150).
 - *Information Sheet—How to Oppose a Request to Change Child, Spousal, or Family Support* (form FL-393).

For instructions on how to serve these papers properly, see the information box on the Proof of Service, found on the reverse of the *Notice of Motion* (form FL-390). Whoever serves the papers should fill out and must sign the Proof of Service.
7. Take the original of each of the completed forms to the court clerk's office for filing. If you or your attorney have not filed any other papers in the case, you must do one or more of the following:
 - Pay a first appearance filing fee to the court clerk when you go to file these papers (you can find out what the amount of the fee is from the court clerk's office or the office of the family law facilitator); or
 - Pay a fee to file this motion with the court clerk, even if you or your attorney have already filed papers in this case; or
 - Apply for a fee waiver. For more information on how to request a waiver of the filing fees, get the form *Information Sheet on Waiver of Court Fees and Costs* (form 982(a)(17)(A)).

Using an Attorney

If you use this method to modify support, you may hire an attorney to represent you in court, or you may represent yourself. If you hire an attorney, you will have to pay the cost. The court will not provide you with a free attorney.

If the county is the other party, and if one of the parties is receiving welfare benefits, or if one of the parties has asked the local child support agency to enforce support, a representative from the local child support agency will be present at the hearing.

REMEMBER: The local child support agency does not represent any individual in this lawsuit, including the child, the child's mother, or the child's father.

Agreeing to Support Before the Hearing

A court hearing may not be necessary to modify the current support order, if you are able to reach an agreement with the other party. Note that if an agreement is reached with the other party, you must prepare an order and submit it to the court for the judge's signature and file the order with the court clerk's office. If one of the parties is receiving welfare benefits or the local child support agency is enforcing the support order, the local child support agency must sign the agreement before it is filed with the court.

Hearing

Even if neither the local child support agency nor the other party has filed a response to your *Notice of Motion*, the judge may still require a hearing. Make sure you bring with you a copy of your *Notice of Motion* (form FL-390), *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150), your most recent federal and state income tax returns and W-2 form(s), and three most recent paycheck stubs. The other party has a right to see your financial information, and you have the right to see the other party's financial information.

Court Order

Once the judge makes a decision, you may be required to prepare the form *Findings and Order After Hearing* (form FL-340) with the *Child Support Information and Order Attachment* (form FL-342). If the support order has changed, you may be required to prepare a modified *Order/Notice to Withhold Income for Child Support* (FL-195). You will not have to prepare these documents if the local child support agency is involved. If you have prepared these documents yourself, you must make sure that they are signed by the judge. Check with the court clerk's office or the office of the family law facilitator for the proper procedure. After the *Order/Notice to Withhold Income for Child Support* (FL-195) is signed by the judge and filed, it must be served on the noncustodial parent's employer, on the other party, and on the local child support agency if the local child support agency is involved in the case.